Single Bench

IN THE HIGH COURT OF CHHATTISGARH
AT: BILASPUR

W.P. No. 4105 OF 2004

PETITIONER: Smt. K. Nohru, aged 52 years, wife of Shri Prem Pakash Nohru, ANM, resident of in front of Baslian School, Tankapara, Rajnandgaon (Chhattisgarh).

VERSUS

RESPONDENTS: (1) State of Chhattisgarh, through the Secretary, Department of Health Services, Raipur.

(2) Chief Medical & Health Officer, Rajnandgaon (Chhattisgarh)

P.R. No. 4127/04 Presented by Shri K. Jain dated 27.10.04

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND FOR OTHER SUITABLE WRIT, ORDER, DIRECTION.

26-10

(31)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 4105 of 2004

Petitioner — Smt. K. Nohru

Versus

Respondents — State of Chhattisgarh & another

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Somnath Verma, Advocate for the petitioner.

Shri Utkarsh Verma, Deputy Govt. Advocate for the respondents/State.

ORDER

(Passed on this 21st day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. The petitioner while working as A.N.M. (class IV employee) in Primary Health Center Naya Dhaba, Ghumka was transferred to Betejhar, Mohla, within the same district, on the same terms and conditions vide impugned transfer order dated 31.7.2004 (Annexure P/6).
2. This Court vide interim order dated 8.4.2005 directed that the transfer order shall not be given effect to and she be not relieved, if not already relieved.
3. Be that as it may, with the passage of time this petition has become infructuous as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the earlier transfer order.
4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere in the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge